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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 BILLY RAY MCDUFFY,

11 Defendant.
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Case No. 2:16-cr-00273-APG-GWF


ORDER

13 This matter is before the Court on the Government's Motion to Strike (ECF No. 35), filed on
14 June 13, 2017. Defendant filed his Response (ECF No. 36) on June 27, 2017. The Government
15 filed its Reply (ECF No. 37) on July 5, 2017.

16 The Government requests that the Court strike Defendant's Notice of Assertion of Right to
17 be Present in Court Unshackled (ECF No. 34) as improperly filed. The Court construes Defendant's
18 filing as a notice of an assertion of his right to not be shackled or placed in other physical restraints
19 during any pretrial hearing. This matter is not set for hearing on any pretrial motions. The Court,
20 therefore, denies the Government's motion. Accordingly,

21 **IT IS HEREBY ORDERED** that the Government's Motion to Strike (ECF No. 35) is
22 **denied.**

23 DATED this 14th day of August, 2017.

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26 GEORGE FOLEY, JR.
27 United States Magistrate Judge
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